

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
AUGUST 29, 2002**

The Fauquier County Planning Commission held its regular meeting on Thursday, August 29, 2002, beginning at 3:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. Serf Guerra, Secretary; Mr. Bob Sinclair and Mr. Jim Stone. Also present at the meeting were Mr. Rick Carr, Mrs. Carolyn Bowen, Mrs. Elizabeth Cook, Ms. Deirdre Clark, and Ms. Beckie Williams, Administrative Secretary.

1. **APPROVAL OF MINUTES – JULY 25, 2002.**

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to approve the minutes of July 25, 2002 as amended. The motion carried unanimously.

2. **COMPREHENSIVE PLAN AMENDMENT (#CPA02-L-05) AND REZONING REQUEST (#RZ02-L-06) – MARGARET L. DYSON, OWNER/APPLICANT –**

applicant wishes to obtain a Comprehensive Plan Amendment which would change the future designation of the subject property from Commercial to Residential. The applicant also wishes to rezone approximately 16.0455 acres from Commercial-Neighborhood (C-1) to Residential-1 (R-1). The property is located at the intersection of Courtney's Corner Road (Route 634) and Brooks Store Drive (Route 632) in the Village of Morrisville, Lee District. (PIN # 7816-26-1092-000) (Postponed July 25, 2002 until August 29, 2002 at the request of the applicant.)

Mrs. Cook reviewed her staff memorandum, a copy of which is attached and made a part of these official minutes. She stated that the applicant has requested a 30-day postponement; however, she understands that the Commission wishes to act on this request and would recommend denial of this rezoning based on incomplete information that does not address areas of concern related to:

- a. the potential impacts on groundwater in the area and soil suitability to support the number of drainfields proposed and required reserve areas,
- b. the proposed density of the development,
- c. the lack of an internal road system resulting in an excess number of driveway locations on existing roadways, and

- d. the creation of residential development with no internal focus, but rather thirteen lots with individual driveways.

On motion by Mr. Guerra and seconded by Mrs. McCarty, it was moved to deny the Comprehensive Plan Amendment and Rezoning Request. The motion carried unanimously.

3. **PRELIMINARY PLATS**

- a. **#PP02-S-13 – Lillie E. Smith Estate, owner, and Robert H. Rogers, III, applicant – Smithridge Subdivision** – applicant wishes to obtain preliminary plat approval to subdivide approximately 16.7 acres into fourteen (14) lots. The property is zoned Residential-1 (R-1), and is located on the southeast side of Routes 15/29, Lee District. (PIN # 6888-32-5186-0010) (Postponed July 25, 2002 until August 29, 2002 at the request of the applicant.)

Ms. Clark reviewed her staff memorandum, a copy of which is attached and made part of these official minutes.

On motion made by Mr. Guerra and seconded by Mr. Stone, it was moved to postpone the request for an additional 30 days until the September meeting at the request of the applicant.

The motion carried unanimously.

- b. **#PP02-S-17 – Robert R. Oliver, Trustee & Others, owner, and Doug Nyce, contract owner – Wooded Run Estates** – applicant wishes to obtain preliminary plat approval to subdivide approximately 89.3 acres into fifty-seven (57) lots. The property is zoned Residential-1 (R-1), and is located on the southeast side of Busthead Road (Route 694), Scott District. (PIN # 6996-74-7410-000) (Postponed July 25, 2002 until August 29, 2002 at the request of the applicant.)

Ms. Clark reviewed her staff memorandum, a copy of which is attached and made part of these official minutes.

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to approve the request with revised conditions.

The motion carried unanimously.

- c. **#PP02-M-15 – Arlington Builders, Inc., owner/applicant** – applicant wishes to obtain preliminary plat approval to subdivide approximately 2.0 acres into two (2) lots. The property is zoned Village Residential (V), and is located on the northwest side of Springs Road (Route 802), Marshall District. (PIN #

6962-45-4428-000) (Postponed July 25, 2002 until August 29 2002, at the request of the applicant.)

Ms. Clark reviewed her staff memorandum, a copy of which is attached and made part of these official minutes.

On motion made by Mrs. McCarty and seconded by Mr. Stone, it was moved to postpone the request for 30 days until the September meeting at the request of the applicant.

The motion carried unanimously.

- d. **#PP02-L-16 - Melvin E. Bailey, Jr. & Rocky D. Bailey, owners, and Robert H. Rogers, III, applicant - Riverton Subdivision** - applicant wishes to obtain preliminary plat approval to subdivide approximately 65.5 acres into seventy-one (71) lots. The property is zoned Residential-2 (R-2), and is located on the northwest side of Lucky Hill Road (Route 655), Lee District. (PIN #6887-37-4241-000) (Postponed July 25, 2002 until August 29, 2002 for further review.)

Ms. Clark reviewed her staff memorandum, a copy of which is attached and made part of these official minutes.

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to postpone the request for 30 days until the September meeting at the request of the applicant.

The motion carried unanimously.

- e. **#PP02-C-20 - Carlton Moorefield, owner, and Premier Homebuilders, Inc., applicant - Cedar Mill Subdivision** - applicant wishes to obtain preliminary plat approval to subdivide approximately 31.92 acres into nineteen (19) lots. The property is zoned Residential-1 (R-1), and is located on Frytown Road, Center District. (PIN's #6994-36-3798-000, #6994-37-3260-000 and #6994-36-5406-000)

Ms. Clark reviewed her staff report, a copy of which is attached and made a part of these official minutes.

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to postpone the request for 30 days until the September meeting.

The motion carried unanimously.

- f. **#PP02-L-22 - Harold & Gloria Comer, owners/applicants - McConchie Acres** - applicant wish to obtain preliminary plat approval to subdivide

approximately 15.9372 acres into six (6) lots. The property is zoned Village (V), and is located on Sumerduck Road (Route 651), Lee District. (PIN #7804-58-0975-000)

Ms. Clark reviewed her staff report, a copy of which is attached and made a part of these official minutes.

On motion made by Mr. Guerra and seconded by Mr. Stone, it was moved to approve the request.

The motion carried unanimously.

- g. **#PP02-C-23 - Leland Road Investments, LLC, owner, and Stan Settle/Pulte Homes, applicant - White's Mill** - applicant wishes to obtain preliminary plat approval to subdivide approximately 151 acres into 161 lots. The property is zoned Residential-4 (R-4) and Residential-1 (R-1), and is located on the south side of Route 29 and the north side of Academy Road, Center District. (PIN's #6984-85-3804-000, #6984-96-1546-000 and #6984-78-0388-000)

Mrs. Cook reviewed her staff memorandum, a copy of which is attached and made a part of these official minutes.

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to postpone the request for 30 days until the September meeting, at the request of the applicant.

The motion carried unanimously.

- h. **#PPR02-S-03 - Brookside Communities, LLC, and Brookside Development, LLC, owners/applicants - Brookside** - applicant wishes to obtain a preliminary plat revision to modify the lot and road layout in portions of the development, and revise size/location of stormwater management facilities, rearrange lots and open space areas of an approved plan. The property is zoned Residential-1 (Cluster) (R-1) and PRD, and is located on Riley (Route 676), Scott District. (PIN's #7905-93-5747-000, #7915-16-2290-000, #7915-06-7362-000, #7915-34-4195-000, #7915,35-2459-000, #7915-22-4253-000, #7915-22-0001-000, #7915-11-7109-000, #7915-20-3117-000, #7905-63-8907-000, #7905-82-5007-000, #7915-29-7852-000, #7914-39-3654-000, #7905-53-4817-000, #7905-54-1314-000 and #7915-20-4957-000)

Mrs. Cook reviewed her staff memorandum, a copy of which is attached and made a part of these official minutes. She recommended this request be held open until the 7:00 PM Public Hearing.

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to postpone until the Public Hearing.

Mr. Stone asked if they had the right to postpone the request until a later date. Mrs. Cook stated only until September 11th.

The motion carried unanimously.

- i. **#PP02-L-18 – Cranes Corner, L.L.C., owner and Jack Hazel/Steve Vento, applicants** – applicants wish to obtain preliminary plat approval to subdivide approximately 16.2 acres into two (2) lots. The property is zoned Commercial-2 (C-2), and is located on the east side of Marsh Road (Route 17) at its intersection with Village Center Drive, Lee District. (PIN # 6899-24-9836-000)

Ms. Clark reviewed her staff memorandum, a copy of which is attached and made part of these official minutes.

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved unanimously to postpone action for an additional 30 days.

4. **SUBDIVISION ORDINANCE AMENDMENTS**

- a. **Waiver of Section 4-11(1)(A) of the Subdivision Ordinance requirement for a central water system – Ridge Place Subdivision - O. William Groves, owner** (Postponed July 25, 2002 until August 29, 2002 at the request of the applicant.)

Mrs. Cook reviewed her staff memorandum, a copy of which is attached and made part of these official minutes.

On motion made by Mr. Guerra and seconded by Mr. Stone, it was moved unanimously to postpone action for an additional 30 days until the September meeting at the request of the applicant.

- b. **Waiver of Section 3-2 (A) (6) of the Subdivision Ordinance requirement for maximum private street length, JBC Developers, Inc., applicant** - Marshall District. (PIN # 6962-87-3376-000, 6962-97-3212-000, 6962-76-6988-000)

Mrs. Cook reviewed her staff memorandum, a copy of which is attached and made part of these official minutes.

Claude Compton, representing JBC Developers, Inc., stated they did not receive the staff report until Monday, August 26th. He tried to contact staff; however, he was unsuccessful until Wednesday, August 28th. Mr. Compton stated he believes all outstanding issues can be resolved. He asked for a postponement of 60 days until the Commission's October meeting.

Mrs. McCarty asked staff if there was any additional information they wished to hear regarding this request.

Mrs. Cook stated a major concern was the right-of-way width. If that issue is not resolved, then they cannot proceed with the subdivision unless they ask for a waiver / modification of the Zoning Ordinance requirement. Mrs. Cook stated that overall this may not make a difference, but it would resolve one issue.

Mrs. McCarty asked Mr. Compton if he could provide this information to staff within 30 days. Due to a vacation problem, the applicant requested a 60-day postponement.

Mr. Stone asked if this agenda item was forwarded to the Board of Supervisors could all of the outstanding issues be resolved at that time?

Mrs. McCarty stated she would prefer to defer action to a later Commission meeting.

On motion made by Mrs. McCarty and seconded by Mr. Stone, it was moved to postpone action for an additional 60 days at the applicant's request.

The motion carried unanimously.

5. **ZONING ORDINANCE WAIVER**

- **Waiver of Section 7-302.1.B, Limitation on a private street connecting directly to a state maintained street – Joyce M. Johnson, owner/applicant** - Cedar Run District. (PIN # 7849-80-7308-000)

Mrs. Cook reviewed her staff memorandum, a copy of which is attached to and made part of these official minutes.

On motion made by Mr. Stone and seconded by Mr. Sinclair, it was moved to approve the request.

The motion carried unanimously.

6. **ZONING ORDINANCE TEXT AMENDMENT**

- **Initiation of Zoning Ordinance Text Amendment to Section 3-311.5 (Public and Quasi-Public Uses)** - to permit museums in the Residential-1, Residential-2, Residential-3, Residential-4 and Village Zoning Districts following Special Permit and Site Plan approvals.

Mrs. Bowen reviewed her staff memorandum, a copy of which is attached to and made part of these official minutes.

Mrs. McCarty asked what age would distinguish a historic structure. After discussion, the Commission decided to include a standard that in the residential and village zoning districts, a museum is only allowed in an existing historic structure.

Mrs. McCarty also stated one of her concerns is the size of the parking lots. Mrs. Bowen responded that the Zoning Ordinance would dictate the size.

On motion made by Mrs. McCarty and seconded by Mr. Stone, it was moved to schedule this for the September Public Hearing.

The motion carried unanimously.

7. **CONSIDER ADOPTION AND IMPLEMENTATION OF PROFFER POLICY**

Mr. Carr reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes.

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to schedule a Public Hearing for September.

The motion carried unanimously.

8. **BOARD OF ZONING APPEALS AGENDA**

- a. **Review of Minutes of the August 1, 2002 meeting**
- b. **Variance - Michael R. & Rachel M. Pierce, owners** - applicants are requesting a variance to a front yard setback requirement or a deck and aboveground pool. The deck and pool will be 39' 10.8" from the centerline of Mosby Drive, wherein the Zoning Ordinance requires 50'. The subject property is identified as PIN #6995-02-9814-000, containing approximately 0.231 acres, located at 7267 Chestnut Court, Center Magisterial District, Warrenton, Virginia. This request was postponed at the August meeting for further information.
- c. **Special Permit - The Mary Ann Brinegar Shoup Revocable Trust, owner** - applicants are requesting a special permit to locate a one-bedroom bed and breakfast business in an on existing cottage located on their property. The subject property is identified as PIN #6947-45-7756-000, containing approximately 9.240 acres, located at 5626 Wilson Road, Marshall Magisterial District, Marshall, Virginia.

Mr. Robison asked if there were any comments to forward to the Board of Zoning Appeals.

No comments were stated.

Mr. Carr announced that there has been another work session scheduled for the Bealeton Opal, Remington Service District. This is to be held on September 17th at 1:30 at the Warren Green Meeting Room.

There being no further business, the meeting was adjourned.

The Fauquier County Planning Commission reconvened its regular meeting on Thursday, August 16, 2002, beginning at 7:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. Serf Guerra, Secretary; Mr. Bob Sinclair and Mr. Jim Stone. Also present at the meeting were Mrs. Elizabeth Cook, Mr. Richard Calderon and Ms. Beckie Williams, Administrative Secretary.

9. **THE PLEDGE OF ALLEGIANCE**

Mr. Robison led the Commission and public in the Pledge of Allegiance.

10. **CITIZENS TIME**

No one spoke.

11. **COMPREHENSIVE PLAN AMENDMENTS**

a. **Bealeton, Opal, and Remington Amendment to the Comprehensive Plan**

Mr. Calderon reviewed the staff report, a copy of which is attached to and made part of these official minutes.

Mr. Carr announced that there has been a new work session scheduled for Tuesday, September 17th at 1:30 p.m. at the Warren Green Meeting Room.

Mr. Robison opened the public hearing.

Mr. Don Tharpe, Lee District. Mr. Tharpe is the owner of an 85 acre parcel near Liberty High School. He offered support for the draft Citizen Plan. Mr. Tharpe also noted that he is working with VDOT, School Board, and others to ensure traffic safety issues regarding his rezoning application are resolved.

Mr. Merle Fallon, Cedar Run District. Mr. Fallon represents the landowners south of the Opal Service District. Mr. Fallon stated that the sewer extension needs to be left in the plan. There is not enough land with utility service for housing - in all Service Districts.

Mr. John Meadows, Co-Chairman of the Bealeton, Opal and Remington Citizen Planning Committee, thanked the Commission for its good work.

Mr. Sam Butler, Lee / Cedar Run District. Mr. Butler stated he worked on the plan and he would like to see it remain intact as recommended by the Committee.

Ms. Kitty Smith, Marshall District. Ms. Smith expressed that she is disappointed that there are not sufficient demographics set forth in the plan. She desires to know information such as the total population included in the plan amendment? Ms. Smith commended the Bealeton, Opal, Remington Committee for a job well done. She stated that the Planning Commission and the Board of Supervisors are

in the business of overseeing change in the County every four years, some people will like it and some will not. Ms. Smith stated that including more land in the Town of Remington is setting a precedent. She stated that the Town has the right to expand, but the Planning Commission should not be making the decision of how the Town should expand.

Ms. Mara Seaforest, Cedar Run. She stated that the Service Districts do not exist to enhance sprawl. A Service District exists to accommodate the people who already live there. Ms. Seaforest further stated that Mr. Tharpe's property should be taken out of the Bealeton Service District because it presents danger to Liberty High School.

Mr. Dan O'Connell, representative for Ms. Barbara Zeiger. Mr. O'Connell stated that the current plan recommends the removal of the Zeiger Property, but Mr. Zeiger invested a significant amount of money to have his property included in the Service District. Mr. O'Connell asked why remove a piece of property where services currently exist. He stated that there was no justification and no principle for this decision.

Ms. Barbara Zeiger. Ms. Zeiger reiterated that previous guarantees were made to her and her husband, and it is only right to keep them. She has a letter from WSA stating that there would be no sewer service to the area if not for Mr. Zeiger and his previous investments.

Mr. Robison closed the public hearing.

On motion made by Mr. Guerra and seconded by Mr. Stone, it was moved to postpone action until the September 17th work session.

The motion carried unanimously.

- b. **#CPA02-L-08 - James L. Dunn, owners/applicant** - applicant wishes to obtain a Comprehensive Plan Amendment for a remedial connection to public sewer for an existing dwelling at 10372 Marsh Road (Route 17), Lee District. The property contains 4.68 acres and is zoned Rural Agriculture. (RA) (PIN #6980-65-1447-000)

Mr. Calderon reviewed his staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Calderon stated that additional conditions were drafted at the work session. Mr. Dunn accepts these conditions.

Mr. Robison opened the public hearing.

Mr. James Dunn, Lee District. Mr. Dunn stated that he purchased this property one year ago. This property was occupied; however, it needed some health and building upgrades. When he went to the Health Department for a permit, he learned the current system was not adequate. Mr. Dunn stated that granting this request would be an improvement for Fauquier County.

Mr. Robison, with no further speakers, closed the public hearing.

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to approve this request, subject to the revised conditions.

The motion carried unanimously.

- c. **#CPA03-S02 - Beights Development Corporation, owner/applicant** - applicant wishes to obtain a Comprehensive Plan Amendment to change the Comprehensive Plan land use designation from Low Density Residential to Industrial. The property contains 3.2981 acres, is zoned R-1 (Residential), and is located on the southeast side of Routes 15/29 east of its intersection with Telephone Road in the New Baltimore Service District, Scott District. (PIN #7906-21-3527-000)

Mr. Calderon reviewed his staff report, a copy of which is attached to and made part of these official minutes.

Mr. Calderon stated that a discussion came up during the work session regarding the protection of the properties located south and east of the subject property, but it was decided that this issue would be worked out during the rezoning process.

Mr. Robison opened the public hearing.

Mr. Ross Seifert, Alliance Reality Advisors, works extensively with Beights Development. Mr. Seifert distributed a Concept Plan for the park based on plans submitted to the County for approval. He stated that he has worked with VDOT regarding the entrance to the property. VDOT had concluded the entrance shown on the Concept Plan is not only the best place for an entrance, but also the only place they would permit. He stated that property happens to be under common ownership with the business park. Mr. Seifert said the one thing that is crucial to any sort of business development is signage. He summarized the Fauquier County Code for signs and stated that a business park sign is not permitted on a residential property. He stated that as things currently stand they would have an entrance to a Business Park without a sign. He concluded that this was one of their major reasons for seeking a Comprehensive Plan Amendment.

Mr. Chuck Medvitz. He stated this request surprises him. He said the Comprehensive Plan shows Route 29 as a limited access highway. Mr. Medvitz stated that this plan as it is presented, creating an additional entry onto Route 29, is inconsistent with what the County has repeatedly stated was the intent for Route 29. He thinks there needs to be a close examination of how the properties along and on both sides of Rt. 29 are going to be managed in order to create a limited access highway between Warrenton and Prince William County Line.

Marlene Zuras, Scott District, lives behind this property. She objects to the development of the road through the property. This action will cause a lot of headlights, noise and it will devalue her property.

Mr. Robison, with no additional speakers, closed the public hearing.

Mr. Sinclair stated there were some issues he needed to review over the next 30 days and he would like the applicant to make contact for a meeting.

On motion made by Mr. Sinclair and seconded by Mr. Stone, it was moved to defer action for 30 days.

The motion carried unanimously.

12. **SPECIAL EXCEPTIONS**

- a. **#SE02-CR-29 - William A. Hamp, III, owner, and Karen Coleman/Eastern Clearing Inc., applicant** - applicant wishes to obtain special exception approval under Category 20 of the Zoning Ordinance, which would allow for an experimental wastewater system. The property contains \pm 10 acres, is zoned Industrial-Park (I-1), and is located on the northeast side of Bealeton Road (Route 805), Cedar Run District. (PIN #6899-75-8606-000) (Postponed, July 25, 2002, until August 29, 2002, at the request of the applicant.)

Mrs. Cook reviewed her staff report, a copy of which is attached to and made part of these official minutes.

Mrs. Cook stated that there were still outstanding issues and the applicant has requested a 30-day deferral.

Mr. Robison opened the public hearing.

In that no one spoke for or against the proposed Special Exception, Mr. Robison closed the public hearing.

On motion made by Mr. Stone and seconded by Mrs. McCarty, it was moved to postpone action for 30 days.

The motion carried unanimously.

- b. **#SE02-C-34 - Leland Road Investments, LLC, owner, and Stan Settle/Pulte Homes, applicant - White's Mill** - applicant wishes to obtain special exception approval under Category 23 of the Zoning Ordinance, which would allow for the construction of a road over a floodplain to serve a portion of a proposed residential development and fill in the floodplain associated with development of pedestrian trails, bridges, utilities, lots, and stormwater management facilities. The property contains \pm 147 acres, is zoned Residential-4 (R-4) and Residential-1 (R-1), and is located on the south side of Route 15/29 and the north side of Academy Road (Route 678), Center District. (PIN's #6984-85-3809-000, #6984-96-1546-000 and #6984-98-0388-000) (Postponed, July 25, 2002, until August 29, 2002, at the request of the applicant.)

Mrs. Cook reviewed her staff report, a copy of which is attached to and made part of these official minutes.

Mrs. Cook stated the applicant has requested a 30-day postponement. The applicant has provided additional information that is still under review by staff.

Staff agrees with the applicant's request and would like the opportunity to continue working with the applicant on outstanding issues.

Mr. Robison opened the public hearing.

Mr. Joe Wiltse, Scott District. Mr. Wiltse reiterated what Mrs. Cook referred to in her overview. He stated that they did modify their application based on staff's recommendation and that information was very helpful. All of those elements are supported by the applicants and staff except one minor issue. Mr. Wiltse stated that the Cedar Run floodplain is very significant. It is a very large, distinct natural feature. The issue is minor with respect to the lots. There are 26 lots out of the proposed 161 having the theoretical potential to benefit from the opportunity of minor grading / fill-in encroachment. They knew this would be an issue with everyone because of the number, but they wanted to look at it from an engineering point of view. The Engineer did a floodplain analysis using conservative assumptions. There are 42 stations that are identified hydraulically that need to have a model prepared for the County Engineer. They used the same 42 stations for this evaluation, 15 upstream, 27 downstream. Out of those 42 stations, 41 had a change of water surface elevation of .0, one station had a change of water surface elevation of 1 inch. The County Engineer found this information very encouraging, but he did not have time to go back and review the specifics. Mr. Wiltse stated that this type of encroachment is reasonable; in fact all of their Special Exception requests are predominately permitted usages. He is asking the Commission to look at the objective of what they are trying to accomplish – maintaining the greenbelt buffer. Out of those 26 lots, they are only asking for flexibility for only 10 of them. Mr. Wiltse is optimistic that at the next Planning Commission they will have a very clean Special Exception Application.

Ms. Kitty Smith, Marshall District. She disagrees with the applicant that these are minor issues and reasonable requests. Ms. Smith stated that this is a serious issue. These lots align along the edge of Cedar Run – one of the major bodies of water flowing from in Fauquier County to the Occoquan. To put these lots that close to the floodplain is asking for major trouble. She admits that today, we are in a 100-year drought but this time next year we may be in a 100-year flood, and if these lots are in this floodplain, part of the lots or even the whole fill will be washed out. This placement puts the houses in jeopardy. She stated that this is a major issue and she is highly against it. Ms. Smith quoted and supported the Engineering / Environmental comments about the staff not being supportive of the floodplain fill and their recommendation.

Mr. Robison, with no further speakers, closed the public hearing.

On motion made by Mr. Robison and seconded by Mr. Guerra, it was moved to postpone action for 30 days.

The motion was carried unanimously.

- c. **#SE03-S-02 - Brookside Communities, LLC, owner and Mark E. Cornwell, Fauquier County Public Schools, applicant - New Fauquier Middle School** - applicant wishes to obtain special exception approval under Category 5 of the Zoning Ordinance which would allow for the construction of a new middle school. The property contains 34.9773 acres, is zoned Residential-1 (R-1), and is located on Riley Road (Route 676), Scott Run District. (A portion of PIN #7905-63-8907-000)

Mrs. Cook reviewed her staff report, a copy of which is attached to and made part of these official minutes.

Mr. Robison opened the public hearing.

Bill Downey, Fauquier County Public School Board Member, stated that this has been a long process for them and he is here to ask the Commission to please move forward and approve this request tonight. Mr. Downey stated that they have reviewed the modified conditions and are in agreement. The School Board truly wants this to be a facility the County can be proud of. This school along with the Library will enrich Fauquier County. Mr. Downey stated the need for this school is very real and will aid in solving many problems.

Mr. Stone asked Mr. Downey if the conditions are all in place.

Mr. Sinclair stated that this issue was discussed during the work session and he feels comfortable that all of these conditions are in place.

Merle Fallon, represents Brookside Communities, LLC. Mr. Fallon urges that the Commission moves forward as quickly as possible. Mr. Fallon stated he brought the Concept Plan to address a couple of issues that came up during the work session. He stated the building of Brookside Parkway is 100% a developer's cost. Mr. Fallon stated the road would be built prior to the opening of the Middle School. This is a proffer requirement that needs to be met at the time of the 300th house. He stated that Brookside Communities has committed to provide all utilities at its expense. They also have been working with the County Engineer to receive a Land Disturbing Permit so they can begin to grade. Again, Mr. Fallon requested the Commission move forward so they can begin work.

Mr. Chuck Medvitz, Scott District. He stated that the citizens of New Baltimore really looked forward to this school. However, there are some concerns regarding the traffic, sewer, utilities, impact on surrounding neighborhoods, and other issues. He stated that there are still unresolved issues with regards to transportation plans. Mr. Medvitz expressed his concerns that Brookside could have cash flow problems later on. Mr. Medvitz encourages the Commission to explore the notion recognizing that economically there may be problems and that the Brookside developers should post a Performance Bond to deliver on its proffers.

Ms. Kitty Smith, Marshall District. Ms. Smith stated she is not against the building of the school, but does have a problem with everyone traveling on Riley Road. She stated that Riley Road is a bad road. Ms. Smith thinks it is wrong for

the Board of Supervisors to jeopardize people's health, safety and welfare going to and from school. She asked the Commission to please put something in writing to the Board and stated Riley Road is in no shape to serve a Middle School.

Mr. Robison asked Barbara Severin if she wanted to make any comment. She stated that there wasn't any point in saying anything at this time, she believes there is too much unknown. Ms. Severin agrees with Ms. Smith, but is aware that VDOT will not approve this location without conditions.

Mr. Robison, with no further speakers, closed the public hearing.

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to approve the request with revised conditions.

The motion carried unanimously.

13. **Review of Zoning Ordinance Text Amendments** – Rick Carr gave a brief overview of the staff reports for the following proposed text amendments:

Continuing Care Facilities
Posting of Property

These were scheduled for the September 26, 2002 Public Hearing.

There being no further business, the meeting adjourned at 9:46 p.m.

A tape recording of the meeting is retained on file in the Department of Community Development, 40 Culpeper Street, Warrenton, Virginia, for a period of one year.